

REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 1-52 are pending. Claims 1-43 were rejected. Claims 44-52 were allowed. In this response, claims 1, 2, 17, and 22-32 have been amended. No claims have been cancelled or added. No new matter has been introduced as a result of these amendments. Thus, claims 1-52 are pending.

Applicants thank the Examiner for indicating that claims 44-52 contain allowable subject matter.

“The examiner's action will be complete as to all matters” where such matters include rejecting claims “for want of novelty or for obviousness” (*See* MPEP 707; 37 C.F.R. § 1.104). Because claims 1-43 were rejected under 35 U.S.C. § 101 only, and not rejected for want of novelty or for obviousness under §102 or §103, the Applicants thank the Examiner for indicating that said claims satisfy the requirements of patentability under § 102 and § 103.

35 U.S.C. §101 Rejection

The Examiner rejected claims 1-43 under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. The Applicants respectfully disagree for the reasons discussed below.

With respect to claims 1 and 17, the applicants claim methods for performing memory load and copy operations utilizing a merge operation. The Examiner has stated the claims, however, are directed to a “sequence of steps which is a program per se” (Office Action, mailed August 16, 2006, page 2, paragraph 1). The Applicants respectfully disagree. Rather, claims 1 and 17 recite operations that are actively being performed by, for example, the data processing systems of Figure 1A-1C and 2 (*See*

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, Annex IV.(a)). Such operations include accessing hardware devices, reading data from memory, storing results of the methods in memory, etc. (*See* Claims 1 and 17), which lead to practical benefits in the technological arts (*See e.g.*, Specification, paragraphs [0042] and [0116], Figure 8A-8D). Thus, the applicants respectfully submit that claims 1 and 17, which actively perform operations in conjunction with specific pieces of hardware, contain statutory subject matter and request withdrawal of the rejections.

With respect to claim 22, the Applicants have amended the claims to recite a “storage medium” so as not to include carrier waves within the scope of the claims. Therefore, the Applicants submit that claim 22 contains statutory subject matter and respectfully request withdrawal of the rejection.

With respect to claim 33, the Applicants have claimed “an execution unit to execute an instruction requesting a memory operation.” An “execution unit” is a special purpose hardware device in a computer processor for executing processor instructions (*See, e.g.*, Specification, Figure 1A-C, 2 and the accompanying discussion).

As recited in the MPEP:

If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product. *See, e.g., Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760. MPEP 2106.IV.B.2

Furthermore, the MPEP continues to state:

A claim limited to a machine or manufacture, which has a practical application in the technological arts, is statutory. In most cases, a claim to a specific machine or manufacture will have a practical application in the

technological arts. See *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557.
MPEP 2106.IV.B.2

Thus, according to the MPEP, the Applicants' claim, which is directed to an embodiment of a specific piece of hardware, with practical applications in the technological arts, contain statutory subject matter (MPEP 2106.IV.B.2.(a)).

The remaining claims, which depend from claims 1, 17, 22, and 33, add additional features and limitations for the claimed embodiments of the specific hardware elements, products and processes. Therefore, for similar reasons the remaining dependent claims also contain statutory subject matter.

Therefore, for at least the reasons discussed above, the Applicants respectfully request withdrawal of the rejection of claims 1-43 under § 101.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned at (408) 720-8300.

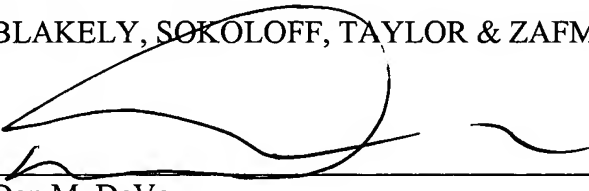
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: _____

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Dan M. DeVos
Attorney for Applicant
Reg. No. 37,813

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300
Fax (408) 720-8383